

From: J. Kanowitz
To: Microsoft ATR
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Subject: Microsoft Settlement

I'll try to keep this brief. As an end user and small-office administrator, there is little or nothing in the proposed settlement that reduces Microsoft's monopoly influence on my daily personal computer usage.

I have never been a fan of Microsoft products, as I feel they are without technical merit. I've used Commodore Amigas, IBM's OS/2, and the open-source Berkeley Software Distribution-based UNIXes. In all cases, Microsoft's sheer popularity has forced me to own and operate at least one Windows system, and in the case of the small-business environment, a network of Windows machines.

In particular, if I may quote from <http://www.kegel.com/remedy/remedy2.html#info.formats> 's criticism of the proposal:

"5. File Formats Remain Undocumented

No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see "Findings of Fact" ?20 and ? 39)."

As an average user, I can say that it is **impossible** for a small business to migrate away from Microsoft solutions as long as the popularity of Windows and Office maintains the proprietary Word format as a de-facto document interchange standard. The average end-user does not have enough familiarity with Office to understand how to save a document in an open format, and Microsoft relies on this lack of user skill to maintain their dominance in that software space. Frankly, the judgement should set a precedent in demanding the specifications of proprietary formats such as Word .DOC be opened- should a company profit from their ability to obscure their data formats to only interoperate with their own products [thus forcing adoption], or by providing innovative software with the features the market demands?

Telephone companies used to require rental/purchase of approved telephones direct from the company. With that requirement removed, other vendors have been free to offer telephones, some with innovative features (speed dial buttons, speakerphones, etc). This did not unduly restrict the telephone companies, nor did it adversely effect the integrity of their networks. Microsoft has a 'network' of sorts- users and businesses who have been convinced to use their products, and currently, their closed standards and anticompetitive practices force users to purchase software from them (Office, Windows) when it should be trivial for any word processor to read documents produced by another.

This is the essential difference between the original (1980s) PC marketplace and the "digital millennium" - today, there are certain standards in place that enable the Internet, and these standards should be taken as a given, not unlike the standards of the American interstate network.

Much of the proposal seems to presume that Microsoft is a monopoly in personal computing, and rather than attempting remedy that would open the operating systems market to competition, focuses on ways to make it easier for other businesses to produce and sell to the installed Microsoft userbase without undue restriction by Microsoft licensing. This in no way assists the consumer who is *not* running a Microsoft system, and has no interest in running a Microsoft system, but finds it necessary to conduct communications with Microsoft users!

I wish I'd taken the time to make this a more founded argument, but hopefully it is food for thought. Please consider the fate of direct competitors in the OS marketplace, and their end-users, in drafting the final settlement. Respect that handheld devices, game systems, and other products are equally personal computing devices. Allow direct competitors- WINE, Lindows, etc- the rights to reverse engineer Windows in the same way that Compaq was allowed to reverse-engineered the IBM PC BIOS to make the x86/MS-DOS/Windows world to happen. Don't allow MS to charge licensing fees for systems not running Windows, and do not allow them to restrict the sale of dual-booting systems (as occurred when MS licensing blocked Windows/BeOS dual-boot machines from including a bootloader that could allow access to the BeOS installation!)

Again, though I'm restating myself all over the place- don't assume that since MS *has* attained a monopoly, that competition can't occur, and that all remedies must focus on making the Windows monopoly more livable for OEMs, developers, and users. Consider mechanisms to actually allow for increased competition in the entire personal-computing space. Setting a precedent for industry-wide open data file formats would be one such mechanism, as it would level the playing field and allow for a proscribed level of interoperation between competing products- necessary, in today's networked "digital millennium" world. Communications protocols should be treated similarly, and information should not be restricted on the basis of security concerns. A security issue in a file format or protocol is a *failure to innovate,* as a better-designed format/protocol would not be victim to the problem.

To whoever's bothered to slog all the way through this, I thank you profusely for your consideration!

-Joseph Kanowitz